IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 9062 of 2004

M/s.Royal Chemist .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Nonwe present for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 16th February 2006.

P.C.:

1. None present for the petitioner when called.

2. From the order dated 4th November 2004 passed by this Court, it appears that petitioner had challenged the impugned order in appeal and the appeal was also decided. The appellate order was not challenged and therefore by the order dated 4th November 2004, liberty was given to the petitioner to amend the Writ Petition to challenge the appellate

order. Despite the leave to amend, the petitioner has not amended the Writ Petition. The impugned order has merged into the appellate order and therefore, Writ Petition challenging the impugned order without challenging the appellate order is not maintainable.

3. Writ Petition is therefore, rejected.

(D.G. KARNIK, J)